

Stage 1

Green Belt Review: Exceptional Circumstances 2022



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1. INTRODUCTION

- 1.1 The Green Belt within South Tyneside was established over 50 years ago to help prevent the spread of urban development within the area. The Green Belt forms part of the wider Tyne & Wear Green Belt and remains an important asset to the borough continuing to provide a key role in managing development with South Tyneside and the wider Tyne & Wear conurbation. Within South Tyneside the Green Belt preserves the character and individual identities of the urban fringe villages and prevents their merging with the larger towns of South Shields, Jarrow and Hebburn.
- 1.2 The development strategies of our previous development plans have sought to follow the principle of protecting the Green Belt and providing for all our development needs within the Borough's urban areas, i.e. the contiguous built up area of South Shields, Hebburn and Jarrow and to a lesser degree the villages of Boldon, Whitburn and Cleadon.

PURPOSE OF THE REPORT

- 1.3 The purpose of this report is to examine the strategic context and existing evidence base insofar as it relates to the possible need to release land from the Green Belt and provide an assessment as to whether the Council considers that exceptional circumstances exist to justify the removal of land from the currently defined Green Belt. This Report is Stage 1 of the Council's Green Belt Assessment, as detailed in Chapter 3.

STRUCTURE OF THE REPORT

- 1.4 The structure of the report is as follows:
- Chapter 3 provides an overview of the national planning policy context insofar as it relates to the Tyne and Wear Green Belt, and the national requirements pertaining to the release of land from the Green Belt
 - Chapter 4 sets out the strategic context which has prompted the Council to consider amendments to South Tyneside's Green Belt boundary, including a summary of key findings from pivotal evidence base documents
 - Chapter 5 provides a summary of recent legal decisions that relate to the release of Green Belt land in England
 - Chapter 6 summarises our overall findings and conclusions in relation to the exceptional circumstances case for the release of land from the Tyne and Wear Green Belt to meet the identified housing needs in South Tyneside.

2. THE GREEN BELT IN SOUTH TYNESIDE

2.1 Essentially, the Green Belt performs a sub-regional role in preventing conglomeration of the Tyne and Wear conurbation with other outlying areas in the region.

2.2 The Green Belt within the Borough was first established in 1965 as part of the Sunderland Periphery Town Map and initially extended along the southern periphery between South Shields and Sunderland and to the west of Sunderland in 1968. In 1978, the Tyne and Wear County Structure Plan set out to further limit urban growth and prevent the coalescence of settlements, particularly the built-up areas of South Tyneside, Washington, Gateshead, and Sunderland. Policies within the Structure Plan proposed various additions, to restrict the further spread of the built up area and made deletions to allow for housing and economic growth. The Tyne and Wear Green Belt Local Plan was adopted in 1985 in support of the Tyne and Wear County Structure Plan.

2.3 The Local Government Act 1985 introduced the new system of Unitary Development Plans (UDP) to replace the previous two-tier system of 'Structure Plan' and 'Local Plan' which operated in Metropolitan County Council areas. Our UDP (adopted in 1998) set out the requirements for growth, land use allocations, and policies for the improvement and protection of the environment and infrastructure requirements. The UDP also confirmed the extent of South Tyneside's Green Belt. This approach to the Green Belt was carried through into the suite of Development Plan Documents comprising our Local Development Framework (adopted between 2007 and 2012).

2.4 By 2017, Green Belt accounted for 2,408ha (36%) of land within the Borough. In late 2017, in partnership with Sunderland City Council, we adopted the International Advanced Manufacturing Park (IAMP) Area Action Plan. Separate evidence of the exceptional circumstances supported the formal deletion of some 150ha of land from the Green Belt which straddles our joint boundary. IAMP will accommodate economic growth in the advanced manufacturing sector. In South Tyneside, the total Green Belt lost to the IAMP allocation was some 63 ha (equating to a 1% reduction in Green Belt land). South Tyneside's Green Belt now covers an area of 2,345ha (broadly 35% of the Borough's total area).

3. NATIONAL PLANNING POLICY AND PRACTICE GUIDANCE ON TESTING EXCEPTIONAL CIRCUMSTANCES.

3.1 The following section provides a review of the latest national planning policy context and guidance in relation to the Green Belt drawing on the National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) (July 2019). It also provides a review of recent case law relating to the Green Belt.

3.2 Before concluding exceptional circumstances justify making changes to the Green Belt, the NPPF at paragraph 141 requires that all other reasonable options for meeting the identified needs for development have been examined fully. Any exceptional circumstances will be assessed through the examination of the plan and consider whether it:

- a) Makes as much use as possible of suitable brownfield sites and underutilised land;
- b) Optimises the density of development, including whether policies promote a significant uplift in minimum density standards in town and city centres, and other locations well served by public transport; and
- c) Has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development.

3.3 The NPPF goes on to state that when drawing up or reviewing Green Belt boundaries, that authorities take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable patterns of development by channelling development towards urban areas inside the Green Belt boundary, towards the villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

3.4 The NPPF's presumption in favour of sustainable development requires authorities to provide for objectively assessed needs for housing and other developments unless these do not accord with the other policies within the NPPF or the impacts of such development would significantly and demonstrably outweigh the benefits.

3.5 Neither the NPPF nor the national Planning Practice Guidance (PPG) defines what constitutes 'exceptional circumstances'. However, the relationship between Green Belt and development needs is considered in the sections on *Housing and economic development needs assessments* and *Housing and economic land availability assessments*:

- In relation to the assessment of need, paragraph 001 Reference ID: 2a-001-20190220 states that plan-makers should not apply constraints to the overall assessment of need. However, it goes on to state that these [constraint] considerations will need to be addressed when bringing evidence bases together to identify specific policies within development plans. Therefore, constraints such as Green Belt cannot be considered in *determining* what the overall need for development should be, whether its residential or commercial.
- In relation to the assessment of supply, paragraph 001 Reference ID: 3-001-20190722 and Paragraph: 018 Reference ID: 3-018-20190722 state that authorities should prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period, and in so doing take account of any constraints such as

Green Belt, which may indicate that development should be restricted and which may restrain the ability of an authority to meet its need.

3.6 The PPG therefore indicates that whilst constraints such as Green Belt should not be used to assess development needs, they can be considered in determining whether it is possible for an authority to meet its full, objectively assessed needs for development. However, the PPG does not provide any guidance on the balance that should be struck between development need and the different types of constraints that exist. In relation to Green Belt, it merely refers the reader back to the NPPF, which states that Green Belt boundaries may only be amended in exceptional circumstances through the review of the Local Plan.

3.7 In July 2019, the PPG for the first time introduced a specific section on Green Belts. Specifically, it outlines those matters planners should consider when assessing the openness of Green Belt and advises on the compensatory measures that may be considered when Green Belt land is released for development and how these may be secured through the planning system. Such compensatory measures may include:

- New or enhanced green infrastructure
- Woodland planting
- Landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal)
- Improvements to biodiversity, habitat connectivity and natural capital
- New or enhanced walking and cycle routes
- Improved access to new, enhanced, or existing recreational and playing field provision.

4. GREEN BELT METHODOLOGY – SELECTING SITES

4.1 The following section sets out the methodology used for undertaking this Green Belt review. The Review will be undertaken in several stages as shown in Figure 1.

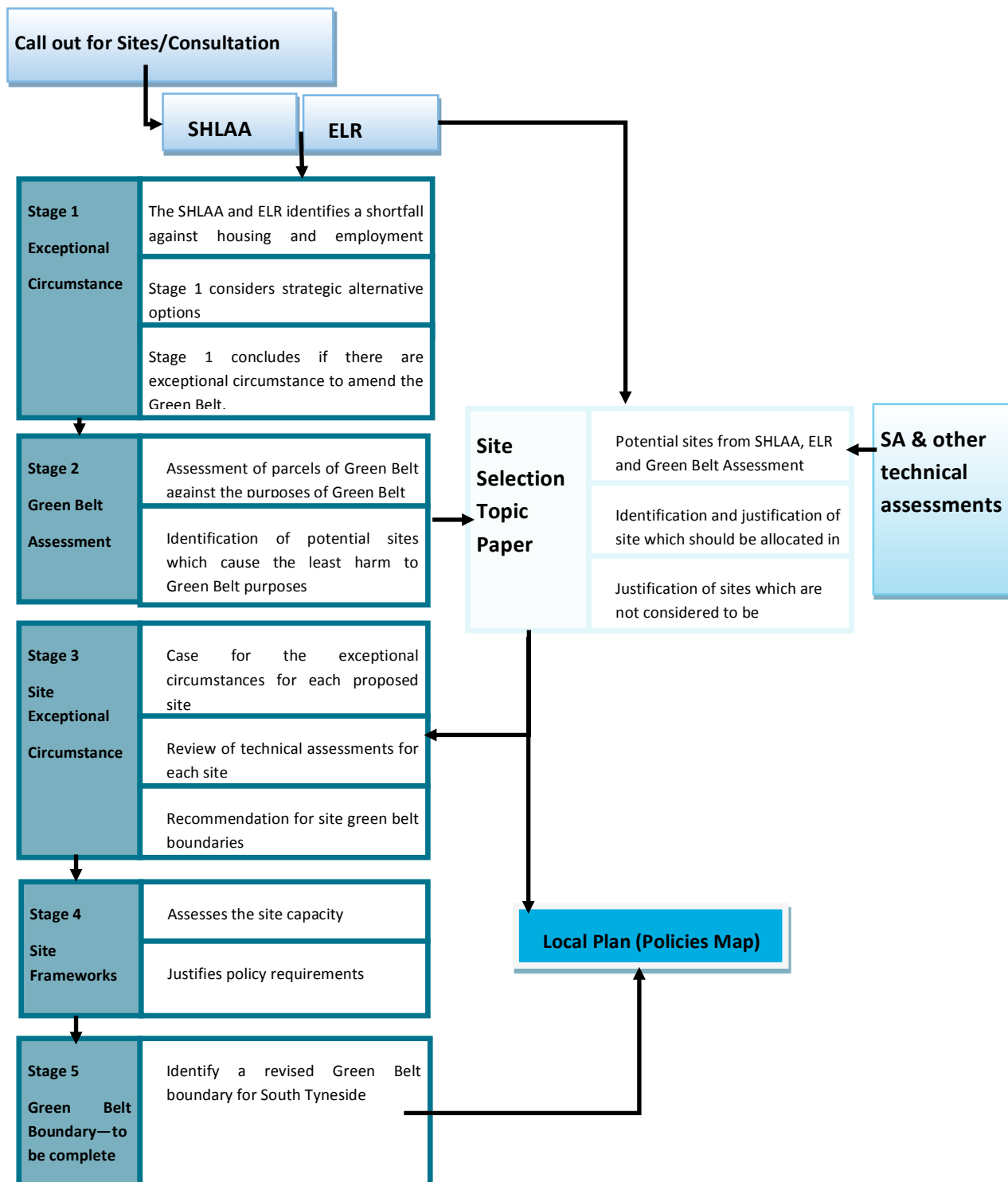


Figure 1: Green Belt Review Methodology

4.2 Throughout the preparation of the Draft Local Plan 2021-2039, the Council has identified and assessed sites to determine if they are suitable for housing or employment. This has included:

- **Call out for housing sites as part of the SHLAA** – The Council has undertaken numerous calls for sites over the years. The most recent call out was in 2021
- **Review of Strategic Land Review** – The Council undertook a Strategic Land Review in 2016. As part of the preparation of the Plan, the Council has identified sites which are considered to have a realistic prospect for housing or employment. This includes considering playing pitches, open space, and green belt
- **Employment Land Review** – The ELR in 2019, assessed and identified potential sites which could be allocated for employment land.

4.3 Identified sites have been assessed for development either through the Strategic Housing Land Availability Assessment (SHLAA) (2022) or Employment Land Review (2019). Those sites considered to be reasonable options were then assessed in the Site Selection Report (see below).

4.4 The SHLAA and ELR both concluded that there is insufficient land available to meet identified needs. Consequently, the Council has assessed if there are exceptional circumstances to amend the Tyne and Wear Green Belt.

STAGE 1 EXCEPTIONAL CIRCUMSTANCES

4.5 The Stage 1 Report examines the strategic context and existing evidence base insofar as it relates to the possible need to release land from the Green Belt and provides an assessment as to whether the Council considers that exceptional circumstances exist to justify the removal of land from the currently defined Green Belt.

STAGE 2 GREEN BELT ASSESSMENT

4.6 The Stage 2 Report - assessed the potential harm to the Green Belt purposes that release identified sites would cause. The Council subdivided the Green Belt in South Tyneside into 118 parcels. The report assesses the entirety of South Tyneside's Green Belt against the purposes of Green Belt as set out in national policy - National Planning Policy Framework (NPPF). The assessment provided an overall rating for each parcel of Green Belt assessed. As and when new parcels have been identified, for example an alternative parcel boundary through a Local Plan consultation, the Report includes these assessments.

4.7 It is not the purpose of this report to allocate sites, but to help inform site selection. Site selection will be done based on various other environmental/sustainability considerations. This is considered in the Site Selection Report and Green Belt Stage 3. 40 sites progressed to the Site Selections Topic Paper.

SITE SELECTION TOPIC PAPER

4.8 The Site Selections Topic Paper assesses all sites considered to be reasonable options for potential housing and employment sites to identify suitable, deliverable, and achievable sites which are proposed to be allocated. This includes sites identified in the SHLAA, ELR and the Stage 2 Green Belt Assessment. The Paper sieved out Green Belt sites and identified that 14 sites should

be allocated in the Plan. However, the Council further assessed these sites to determine if there were exceptional circumstances to amend each sites' boundary.

STAGE 3 SITE SPECIFIC EXCEPTIONAL CIRCUMSTANCES

4.9 The Site Specific Exceptional Circumstances Report details how the Council have assessed and justified making detailed boundary amendments to the Green Belt for this emerging Plan based upon the detailed exceptional circumstances that exist for those individual boundaries.

STAGE 4 SITE FRAMEWORKS

4.10 To assess the deliverability of proposed Green Belt sites and determine their capacity. The Council will prepare Development Frameworks for each site. These assessments include a contextual analysis of the site and the surrounding area, the site constraints and opportunities and the capacity and indicative layouts of each site.

STAGE 5 GREEN BELT BOUNDARY REVIEW

4.11 The Council will undertake an assessment of the entire Green Belt boundary to ensure it is robust. This work will not commence until after Regulation 18 consultation on the Plan. The revised boundary will be illustrated on the Regulation 19 Local Plan Policies Map.

5. LEARNING LESSONS FROM ELSEWHERE

5.1 Since the original publication of the NPPF in March 2012, several local plans have been submitted for examination contending no exceptional circumstances existed that warranted revisions to their respective Green Belt boundaries. It is relevant to understand how both Planning Inspectors and the Courts are interpreting Green Belt policy in this context and, specifically, clarify in further detail what exceptional circumstances are. The following provides an analysis to some of those cases.

5.2 **Reigate and Banstead Borough Council** submitted its Local Plan in 2012 proposing no Green Belt releases. Ultimately, the Council was not successful in presenting a Plan that put Green Belt protection ahead of meeting its needs for housing and employment. An Interim Report from the Inspector highlighted legal deficits and concerns about the soundness of the Submitted Plan. During the 7 month suspension of Examination to address the Inspector's concerns, the Council conceded that exceptional circumstances existed and sought to remove land from the Green Belt. This was despite substantial local objection and intervention by the MP at a Parliamentary level. In his final report, the Inspector noted:

"The [then] Submission version of the Plan was somewhat ambivalent about the need for land outside the urban area to be developed, particularly Green Belt land. Because information about potential capacity within the urban area to meet the housing and employment needs identified by the Council was not wholly convincing, it became evident that development of some land outside the urban area would be unavoidable."

5.3 **Lichfield District Council's** submitted Local Plan (2014) was not considered to have identified sufficient sites to meet its full objectively assessed housing need. Again, at the Inspector's recommendation, the Examination was suspended for the Council to identify additional land to meet its unmet need. Unlike South Tyneside, Lichfield's area contained land falling within the Green Belt and 'open countryside'. The Council went onto proposed sites within the Green Belt above (non-Green Belt) open countryside locations. This Inspector's report is particularly significant, as it set out a clear interpretation of the relationship between sustainable development and Green Belt in so far as securing sustainable development should be considered as the primary driver for identifying the location of development within an area, and Green Belt matters being a consideration in that exercise. This was a view that an aggrieved landowner (IM Properties) sought and failed to challenge at the Plan's adoption via a Judicial Review. The Judge reinforced the Inspector's reasoning concluding that:

"...the additional sites selected by the Council are in Green Belt and land should be released from Green Belt only in exceptional circumstances. In my judgement the lack of more sustainable sites outside the Green Belt to meet the identified need for housing in a way that is consistent with the Plan's urban and key centre strategy amounts, in this instance, to the exceptional circumstances that justify the release of Green Belt land..."

5.4 **The Greater Nottingham Councils** worked together to identify the need for, and a strategy for growth in this area. Calverton Parish Council sought a Judicial Review against the approach towards the allocation of strategic development sites. The resulting Judgement, *Calverton Parish Council v Greater Nottingham Councils* [2015] ('the Calverton Judgement'), set out the following matters to ascertain whether 'exceptional circumstances' exist. The following five tests have since

been used by several authorities to determine whether the release of Green Belt in each instance is appropriate:

- Test 1** The acuteness/intensity of the objectively assessed need (matters of degree may be important)
- Test 2** The inherent constraints on supply/availability of land prima facie suitable for sustainable development
- Test 3** (On the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt
- Test 4** The nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed)
- Test 5** The extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.

5.5 **Guildford Borough Council's** Local Plan (2019) amended the Green Belt which included releasing three strategic Green Belt sites to deliver some 5,200 homes. Its housing allocations also exceeded the borough's objectively assessed need by some 4,000 homes.

5.6 Noting the need for the Plan to be both flexible in the event that housing sites fail to come forward, the Inspector accepted the particular exceptional circumstances facing the borough regarding housing and the need for level of headroom proposed. The Inspector also agreed that exceptional circumstances existed regarding the early delivery of a number of Green Belt sites in order to meet needs in the first 5 years of the Plan. Its adoption was also challenged in the High Courts (*Compton Parish Council & Ors v Guildford Borough Council & Ors [2019]*). The complainants cited a number of grounds including the "exceptional circumstances" test had not been met and the 4,000-home "headroom" was excessive. In dismissing the complainants' arguments, the judge ruled that

"The exceptional circumstances can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision maker, in the rational exercise of a planning judgement to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt....General planning needs, such as ordinary housing, are not precluded from its scope, indeed, meeting, such needs is often part of the judgement that exceptional circumstances exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of housing need."

5.7 In the review of the **Wycombe District Local Plan** (2020), a challenge was brought on the grounds that the 'exceptional circumstances' test which governs the release of land from the green had been misunderstood, principally because housing need alone could not meet this threshold. The court rejected this argument with reference to the Guildford and Calverton judgements, noting that that which constitutes 'exceptional circumstances' in a particular case depends on the planning judgement of the decision maker. Moreover, the court confirmed that there is no requirement for release of land in the Green Belt to be a last resort of that, to justify the release of land, the intended development had to deliver any benefits (such as infrastructure) beyond housing.

5.8 Looking more locally, this generation of Plans prepared within the North East, all but two local authorities have had to demonstrate the exceptional circumstances to facilitate meeting their respective development needs through the review their Green Belt boundaries.

Local Authority	Local Plan Status	Green Belt Deletions Required	Reason
Co Durham Local Plan	Adopted 2020	Yes	Housing and employment needs
Joint Gateshead and Newcastle Core Strategy and Urban Core Local Plan	Adopted March 2015	Yes	Housing and employment needs
Sunderland City Council Core Strategy	Adopted January 2020	Yes	Housing and employment needs
Northumberland Local Plan	Adopted 2021	No	n/a
North Tyneside Local Plan	Adopted July 2017	No	n/a

Table 1: Green Belt Deletion in Neighbouring Authorities

5.9 It is clear from practice and legal precedent that there is an imperative for ensuring that any amendments made to Green Belt boundaries can be fully justified and can be judged as amounting to exceptional circumstances which necessitate their amendment. However, this cannot be undertaken lightly, and it is fundamental to present clear evidence that exceptional circumstances exist having considered all other options. Anything less would put the Plan at risk of either being found unsound by the Planning Inspector or being found wanting at a judicial review thereafter.

6. THE EXCEPTIONAL CIRCUMSTANCES WITHIN SOUTH TYNESIDE

6.1 Given there is no formal standard definition or a set assessment to define exceptional circumstances, we have been mindful of those ‘tests’ arising from the Calverton Judgement alongside other decisions and the Revised NPPF to define the following as the key determining factors within this Stage One Review:

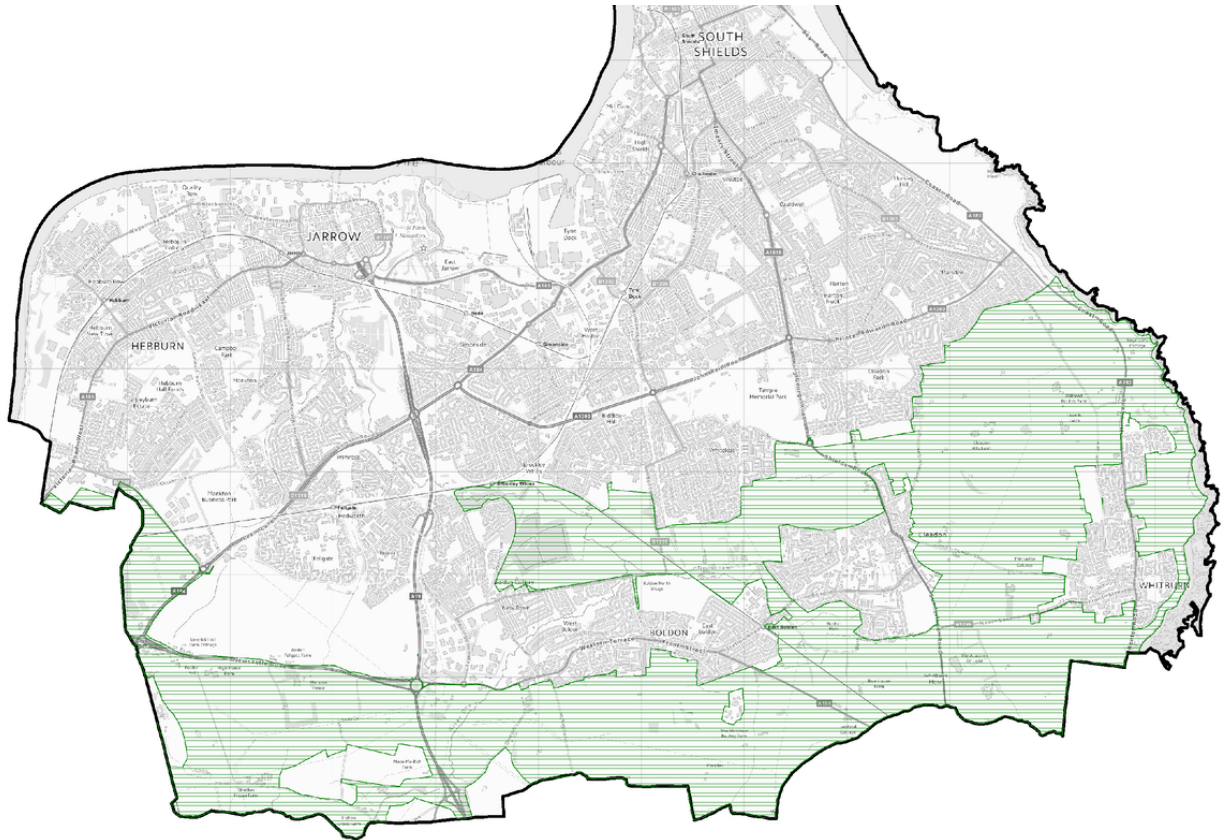
- The key constraints affecting growth within the Borough
- The scale of need for homes and jobs
- The nature of the supply of land for both homes and jobs from non-green sources
- The ability of our neighbouring authorities to assist with meeting any of our unmet needs
- Whether we can deliver sustainable development within the Borough without impinging on the Green Belt
- The nature and extent of ‘harm’ caused to the Green Belt
- Whether there is scope to reduce or ameliorate the level of harm to the lowest reasonably practical extent.

THE DEGREE TO WHICH THE BOROUGH CAN ACCOMMODATE FUTURE GROWTH

6.2 The following considers some of the high level constraints which could potentially shape both the scale and spatial distribution of growth within the Borough.

GREEN BELT

6.3 Figure 1 shows the Green Belt tightly drawn around the built up areas of South Shields, Jarrow, Hebburn and villages of East Boldon, West Boldon, Cleadon and Whitburn and extending to the Borough’s administrative boundaries. Beyond those built up areas, the Green Belt represents a major constraint on future development unless proposals fall into one of a small number of accepted categories or are justified through the development management process by demonstrating those “very special circumstances”.



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Figure 2: South Tyneside's Green Belt

BIO-DIVERSITY DESIGNATIONS

6.4 The Durham Coast Special Area of Conservation (SAC) protects the only example of vegetated sea cliffs on magnesian limestone exposures in the UK. The Northumbria Coast is classified as a Special Protection Area (SPA) and listed as a Ramsar site for its wading bird species. As Figure 2 illustrates, these areas overlap and extend along the majority of the Borough's coastline. This is our most important ecological designation, and the Appropriate Assessment confirms a 6km buffer to where mitigation would need to be provided in perpetuity to mitigate the impacts of recreational disturbances arising from residential development on these coastal designations. In addition, we have 5 Sites of Special Scientific Interest (SSSIs), 52 Local Wildlife Sites and 7 Local Nature Reserves (shown in Figure 3).

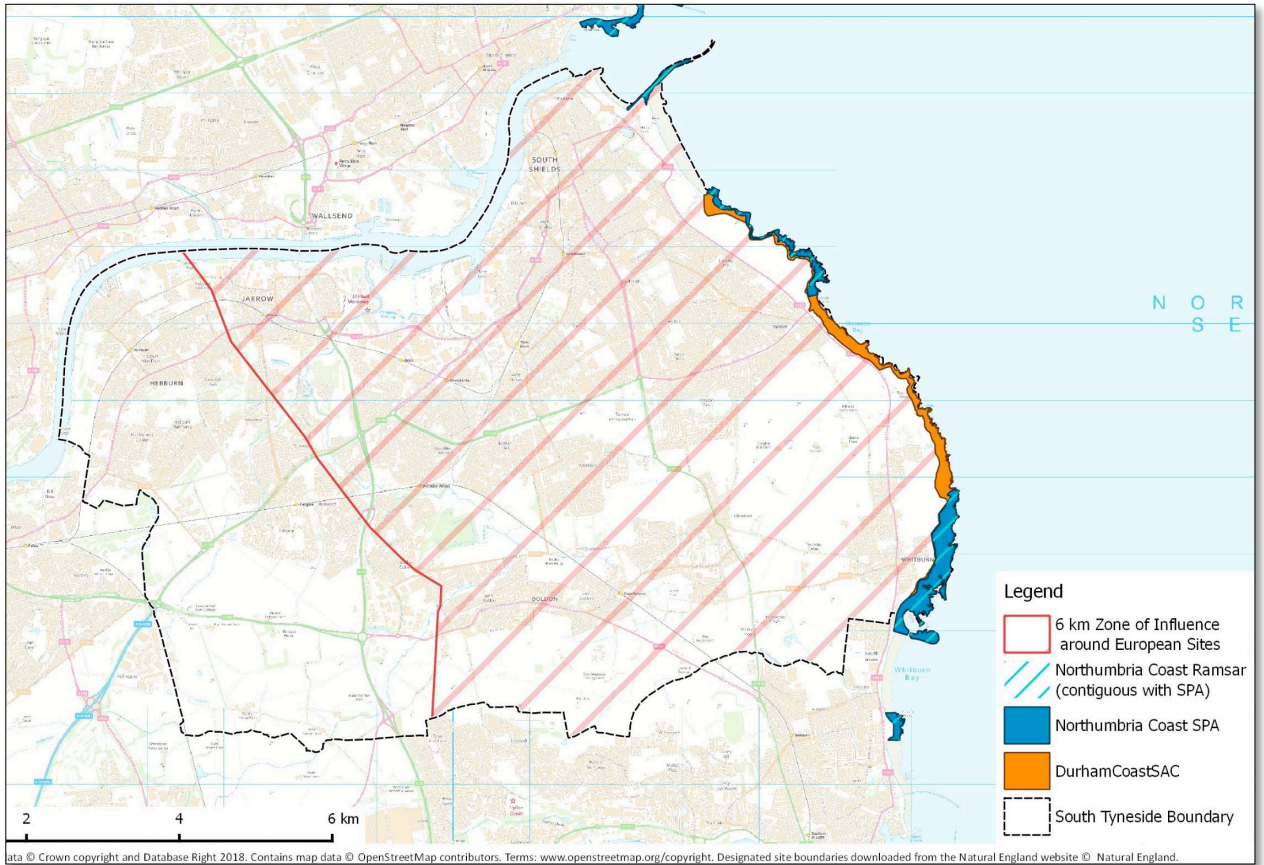


Figure 3: The Durham Coast SAC and Northumbria Coast SPA Figure

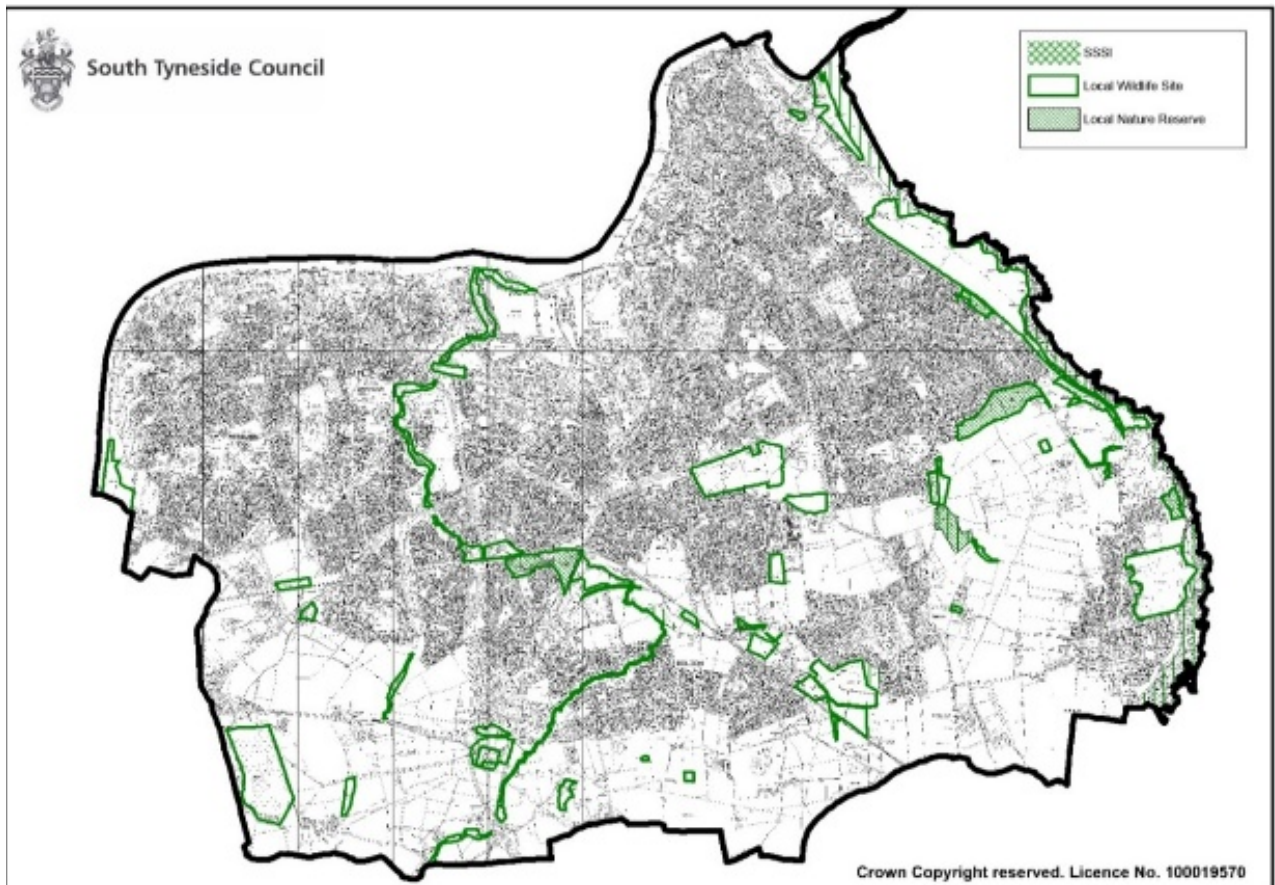


Figure 4: SSSIs, Local Wildlife Sites and Local Nature Reserves

DETERMINING THE SCALE OF NEED

THE NEED FOR HOMES

6.5 The assessment and identification of housing land potential in South Tyneside is consistent with the broad methodology identified in the PPG for Housing and Economic Land Availability Assessment produced by the DCLG. The most recent Strategic Housing Market Assessment (SHMA) (2021) and objectively assessed needs analysis identifies a housing requirement for South Tyneside of 321 dwellings per annum: a total 5778 dwellings over the Plan period. The Plan base date is April 2021 for housing completions and commitments (planning permissions). A total of 207 of the new houses the Borough needs are already completed.

		Number of Homes
A	Local Plan minimum housing requirement 2021 to 2039	5778
B	Completions (net)	207
C	1.5% lapse rate for commitments of 5 dwellings or more	14
D	10% lapse rate for commitments of 4 dwellings or less	2
E	Projected demolitions / losses	170
F	Small scale windfalls	300
	Residual housing requirement = A – B + C + D + E - F	5,457

Table 2: Determining residual housing supply

THE NEED FOR JOBS

6.6 Determining the needs for employment land is less formulaic. In accord with the PPG, our Employment Land Review (ELR) (2019) has informed the Plan with regards to a range of employment growth options for both “General” and what it classed as ‘Specialist’ employment needs (i.e. the Port and river-related operations along the River Tyne).

6.7 The ELR considered three different scenarios, with each drawing upon a different set of input assumptions. Tables 2 and 3 illustrate how these scenarios translate into net land requirements and considers an allowance for flexibility or the replacement of lost land.

	Baseline Labour Demand	Policy-On Labour Demand	Past (Net) Completions
Offices (B1a/B1b)	2.14	3.84	17.38
Manufacturing (B1c/B2)	4.70	13.80	-22.20
Distribution (B8)	9.54	13.12	9.62
Total	16.38	30.76	4.80

Table 3: Indicative gross land requirement by scenario for General Employment Needs (inc. safety margin and replacement of losses) (Ha)

	Baseline Labour Demand	Policy-On Labour Demand	Past (Net) Completions
Offices (B1a/B1b)	0.12	0.24	0.09
Manufacturing (B1c/B2)	0.00	0.00	0.00
Distribution (B8)	3.35	4.77	22.00
Total	3.47	5.01	22.09

Table 4: Indicative gross land requirement by scenario for Port and River-related Employment Needs (inc. safety margin and replacement of losses) (Ha)

6.8 The ELR assessed need over to period 2020-2035. The Council has recently commissioned a new ELR to reflect the plan period 2021- 2039. For the Regulation 18 draft, the Council has adjusted the scenario for the period 2021-2039. This adjustment is made below for the baseline labour demand and policy-on labour demand scenarios for general employment land (Table 4) and for port and river-related employment land (Table 5).

Scenario Option	Baseline Labour Demand (ha)	Policy-On Labour Demand (ha)	Past Completions (ha)
-----------------	-----------------------------	------------------------------	-----------------------

Land Required (net)	4.73	20.63	-11.35
Indicative Gross Land Requirements by Scenario (safety margin only) (ha)	6.16	23.41	-7.74
Table iii Indicative Gross Land Requirement by Scenario (safety margin and replacement of losses) (ha)	19.66	36.91	5.76

Table 5: Plan period adjustments for General Employment

Scenario Option	Baseline Labour Demand (ha)	Policy-On Labour Demand (ha)	Past Completions (ha)
Land Required (net)	3.67	5.29	23.35
Indicative Gross Land Requirements by Scenario (safety margin only) (ha)	4.16	6.01	26.51

Table 6: Plan period adjustments for Port-related Uses

6.9 The ELR does not give a recommendation for the Plan. The Council has therefore considered each scenario to determine what land requirements should be planned for. To identify a preferred scenario, the Council has taken into consideration the implications of IAMP, the availability of future land and the constraints of South Tyneside.

6.10 The IAMP project is very important for both South Tyneside and Sunderland councils and there is a clear purely economic rationale for reflecting this in the forecast employment space requirements. However when choosing the Council's preferred scenario for employment land requirements, the importance of the Green Belt also needs to be considered.

6.11 Due to the lack of available sites, the Council's preferred scenario for employment space requirements over the Plan period is the Baseline Labour Demand Scenario. In choosing this scenario the Council has been cognisant of the constraints imposed by the Green Belt and the very high value placed on this resource by our communities.

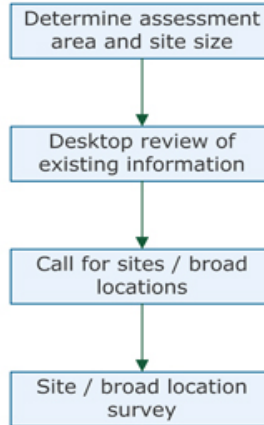
THE SUPPLY OF LAND FOR HOMES FROM NON-GREEN BELT SOURCES

6.12 As detailed previously, the Revised NPPF requires authorities to demonstrate that all reasonable options for meeting their development requirements have been fully examined prior to amending Green Belt boundaries. The following explores the potential opportunities arising from non-Green Belt sources to meet the residual requirements for new homes.

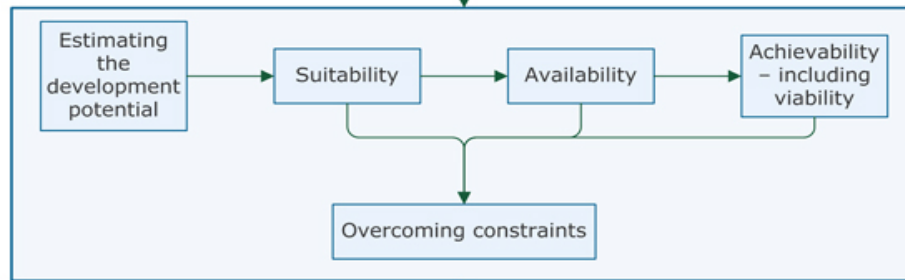
THE STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA)

6.13 The SHLAA assesses the potential future supply of deliverable and developable housing land, which is suitable, available, and achievable over a 15 year period. The SHLAA has helped to inform the emerging Plan to identify the most suitable sites to be allocated within the Plan. The SHLAA methodology is illustrated in figure 5 below.

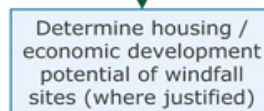
Stage 1- Site / broad location identification



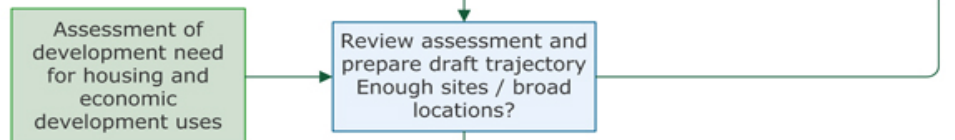
Stage 2 - Site / broad location assessment



Stage 3 - Windfall assessment



Stage 4 - Assessment review



Stage 5 - Final evidence base

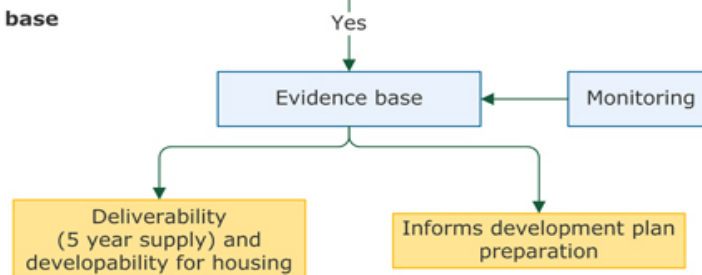


Figure 5: SHLAA Methodology

6.14 We have prepared and maintained our Brownfield Register. Part 1 of our Brownfield Register (2021) contains some 46 brownfield sites that have been assessed as appropriate that could in theory deliver some 2350 homes. For the purposes of this Review, we have excluded the Brownfield Register as its entries are assessed through the SHLAA. Hence, there is no double counting.

6.15 In total, the SHLAA assessed 199 sites across the Borough which currently do not benefit from planning consent for residential development (including land within and out with the Green Belt). The SHLAA identified 74 non-Green Belt sites were considered suitable from a planning perspective with a theoretical capacity to deliver some 3,087 homes.

6.16 Taking the above into account, there remains an acute shortfall in the supply of housing land of at least 2370 homes over the Plan period. In other words, the Plan could only meet some 56% of its residual housing need which is a significant undersupply against its minimum housing requirement.

6.17 To substantiate the key findings from the SHLAA outlined above, a more detailed explanation of how we have used all reasonable endeavours to proactively search for development opportunities from non-Green Belt sources is detailed below and this has also been used to inform the SHLAA

CONTRIBUTIONS FROM ADDITIONAL WINDFALL SITES

6.18 Whilst it's a key function of the Plan to allocate specific sites for development and our processes to maintain an up to date understanding of deliverable and developable sites are robust, it is inevitable that other sites (not previously known of) will come forward over the life of the Plan. These are known as 'windfall sites' and Policy 13 of the Plan provides the primary policy by which such proposals would be assessed.

6.19 As shown in Table 1 (Row f), the Plan projects that some 300 homes will make a small but important contribution towards meeting the housing requirement by 2038. The NPPF (Paragraph 71) is clear that when making such allowances, there should be "*compelling evidence that they will provide a reliable source of supply.*" Our assessment of this potential non-Green Belt source draws from our up to date SHLAA and the most recent data for small windfalls for the past 5 years. This indicates that on average, some 20 homes are delivered from this source each year. It is reasonable to assume that this rate will continue over the Plan period.

6.20 Larger windfall sites are by their nature more difficult to predict in terms of where they are located and the potential number of homes they could yield. They generally come forward unexpectedly, for example because of a factory closure. Knowledge of such opportunities will invariably be 'captured' and assessed through future updates to the SHLAA. However, whilst opportunities are likely to arise over the Plan period, it cannot be assumed that housing would be the suitable default alternative (this is discussed later in this Review), nor can it be reliably predicted as to the number of homes that would come forward from this specific source.

6.21 Accordingly, it is not appropriate to artificially uplift the windfall contribution simply to reduce the identified shortfall from the non-Green Belt land supply. This would be contrary to the NPPF and with no realistic evidence that such opportunities will materialise, it would ultimately put the Plan at risk of not meeting its housing need and is not conducive to good planning. The Plan must provide a high degree of certainty to effectively coordinate and deliver the necessary supporting infrastructure.

CONTRIBUTIONS FROM REUSING BROWNFIELD LAND AND VACANT BUILDINGS

6.22 The NPPF is very clear that planning policies should set out a clear strategy for accommodating our objectively assessed needs in a way that makes as much use of brownfield land if it is not of high environmental value. Crucially, the NPPF further emphasises the need for both plans and site allocations to be viable and deliverable (paragraph 68).

6.23 We have remained committed to ensuring that suitable, sustainable, and viable brownfield sites are returned to an active use. This is a core objective of our adopted Local Development Framework and has been successfully implemented. However, it is notable that since 2006, the percentage of new homes completed annually on brownfield sites has fallen. Whilst peaking at 99% in 2010, brownfield completions have steadily fallen to 67% by 2021/22. The key reasons for this being:

- There is a simple decline in the amount of brownfield sites that are no longer required for their previous uses, and which are suitable in planning terms and economically viable to deliver
- Austerity measures from the last economic downturn have limited the scale at which the public sector can intervene to assemble sites, carry out any necessary remediation and provide the necessary supporting infrastructure to bring such sites up to a developable and viable standard.

6.24 Nevertheless, this objective remains central to the emerging Plan. Through Policy S1, the Plan proposes a spatial strategy that seeks to maximise opportunities to promote sustainable development. Most of the future development is to be located within the Borough's built up areas and the policy specifically seeks to prioritise the re-use of viable and suitable brownfield land which is not of high environmental value.

6.25 As a Council, we are seeking to lead by example. As part of our corporate land disposal programme, several Council owned sites proposed within the Plan are brownfield. Furthermore, we are intervening to assemble land to bring it forward for development. A key priority is to bring forward the regeneration of the former Holborn Middle Dock to deliver circa 348 homes (allocated at Policy SP7). This has involved a long term acquisition programme to bring those necessary parcels of land into a single ownership and working with various organisations to address the range of physical constraints associated (including flood risk and ground contamination). The site now has planning permission and we have secured development partners to deliver the site.

6.26 The Council's Asset Management and Regeneration teams have worked with site owners to identify brownfield housing development opportunities within South Shields Town Centre such as the Winchester Street site (allocated for approximately 40 homes) and the Land of Burrow Street site (allocated for approximately 40 homes).

6.27 Another example of the Council proactively seeking to facilitate the delivery of brownfield land is Hebburn New Town Housing-led regeneration site. The area adjacent to the Mountbatten Shopping Centre, and Hebburn Central is allocated at Policy SP12 for approximately 136 homes. The site is Council owned site has been identified by the Council's Regeneration and Housing Strategy teams as an ideal location for an extra care scheme. There is also a need for family accommodation, and it is estimated that 50 – 60 general needs homes could be provided here.

6.28 Our SHLAA remains the principal evidence base by which we monitor the potential supply and availability of brownfield sites for housing across the Borough. The starting point in bringing the Plan forward was to consider all suitable non-Green Belt sources with emphasis on starting with brownfield sites within the main built up areas and then villages, before exploring the extent to which Green Belt could be used to meet the Borough's needs. This reflects the national importance to maintain the Green Belt and the need to have fully examined all reasonable options for meeting our development needs. Previously, the SHLAA (2022) confirmed that some 78 of those sites assessed were brownfield. However, only 46 were considered to be either deliverable or developable over the Plan period and were proposed accordingly within the Plan. Collectively, these had the capacity to deliver only 2,350 homes or 43% of the residual 5,457 homes needed to be allocated through the Plan.

6.29 Those remaining brownfield sites were discounted from the SHLAA for a range of reasons which alone or in combination ruled them out from being considered deliverable or developable. In summary, sites were discounted for a range of reasons including:

- Sites without landownership details cannot be classed as available as there is no guarantee the owner is willing to sell
- Landowners confirmed that sites would not be available for housing
- Sites are required for other uses (e.g. employment)
- Sites are in unsustainable locations
- Sites are in unsuitable locations (e.g. in close proximity to incompatible uses);
- The nature of physical the constraints (e.g. flood risk, or ground contamination) were so significant that they could not be viably remediated
- Sites were in active use, and there were no clear timescales for when they would become available.

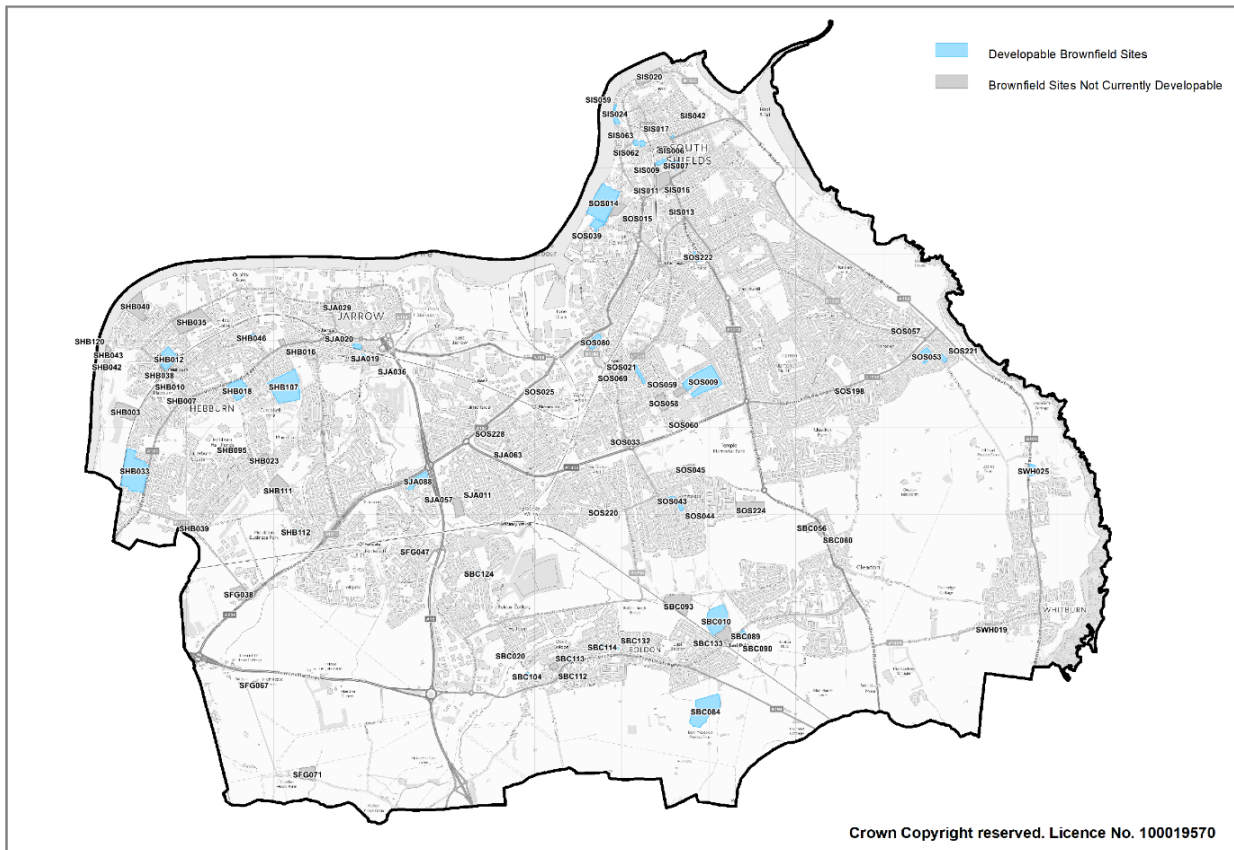


Figure 6: Developable Brownfield Sites

6.30 In advance of preparing the SHLAA (2022) to inform the Publication Draft Plan, we have secured landownership details to those brownfield sites where they were previously unknown. Through the SHLAA ‘call for sites’ in March 2021, those landowners were contacted directly in addition to those on our existing SHLAA database.

6.31 In parallel, we have updated our Part 1 Brownfield Register (2022). However, it should be borne in mind that this does not contain any new sites other than those already known through the SHLAA. We have also made advancements with preparing Part 2 of this Register which details those sites which are considered suitable to be formally granted a ‘permission in principle’ for new homes.

6.32 In summary, whilst there is the perception that there is a significant quantum of brownfield sites available to meet the Borough’s requirements, the reality is quite different. Whilst brownfield sites will continue to come forward over the Plan period, this cannot be relied upon as the only resource to meet the Borough’s identified need for homes to 2039.

6.33 The following sub-sections provide an overview of those main sources of brownfield sites, details specific efforts to maximise such sources and assess the level of contribution these could make towards meeting the residual shortfall of the number of new homes that need to be provided.

Contributions from Housing Estate Renewal

6.34 Within the above analysis for brownfield contributions, we have considered opportunities to intensify housing provision through the Council’s Housing Renewal Programme. However, we do

not see that this would not make a significant contribution. As a point of fact, the last 5 renewal projects (e.g. at Nolan Hall and Westmoreland) have resulted in a net loss in dwellings. These comprised high rise flats that were subject to housing market failure and have been (or are due to be) replaced by lower density family style homes. Two further Housing Renewal projects are programmed for the Lizard Lane Flats and Tyne Dock totalling 138 homes to be cleared (shown in Table 1 row E). These too will deliver less intensive patterns of development. The Housing Renewal Programme reflects the need for the Council to remodel its own housing offer to meet future market demands and delivering these within a higher quality setting. No further additional Housing Renewal projects are programmed within the Plan period.

Contributions from Reusing Vacant Homes

6.35 Empty homes can help to contribute towards meeting housing need. The market requires a proportion of homes to be empty for the market to functionally work (i.e. to allow people to move between homes within the Borough).

6.36 As at 2018, approximately 2.8% of the Borough's total housing stock was classed as vacant of and we have seen a decline in recent years in the number of Council owned vacant stock from 1.6% 0.9% which is now the lowest in the region.

6.37 Some 0.7% of the total stock is classed as long term vacant (i.e. being empty for more than 6 months). But in many cases the reasons for them being empty are due to decanting residents prior to a Housing Renewal project being delivered. Previously, with the support of grant funding from the HCA (now Homes England), we have worked with South Tyneside Housing Ventures Trust to identify long term vacant properties to purchase, refurbish and then rent out at affordable rental levels. Moving forward, we are seeking to introduce an "Enforced Sale Policy". This utilises powers under Part III Law of Property Act 1925 and Local Land Charges Act 1975. Again, directed towards long term empty problematic properties, it would allow for the purchase of privately owned premises or land where the current owner is unwilling or unable to deal with the property / site.

6.38 However, it is considered that efforts to reduce long term vacant units have a limited scope to significantly contribute to the future housing supply and instead would be reflected as part of the 'windfall contribution' (Table 1, row F).

Contributions from Town Centre Opportunities

6.39 Town centres provide an important focus for its users and the NPPF re-affirms the importance of safeguarding and enhancing their vitality and viability. Homes are an accepted town centre use in terms of the NPPF and we have carefully considered opportunities in our town centres.

6.40 Informed by the Town and district Centre Use Needs Study (2018), the Plan identifies South Shields, Hebburn and Jarrow comprise as formal 'town centres'. Each contains a defined 'Primary Shopping Area' and Policy R2 guards against the loss of ground floor premises from non-retailing purposes, given their key role is to attract high trip generating uses. This is justified by evidence to protect the vitality and viability of their core retailing functions. That said, it supports the reuse of upper floors for new homes. Mixed use development including a residential element can help maximise the development opportunities of a site and provide accessible residential units which support the vitality and viability of town centres, provide natural surveillance, and support the

night-time economy. To that end, Policy R3 promotes the mixed use site which is Phase 3 of the Town Centre Vision and details a range of different uses that would be suitable including residential.

6.41 Moving sequentially outwards, Policy R2 is more supportive of main town centre uses coming forward within the defined town centre boundaries. New homes are specifically cited as an accepted use within this Policy. Policy RG6 also identifies the ‘Fowler Street Improvement Area’ and supports the site coming forward for either a single or mixed use development (which could include new homes) and Policy RG3 specifically allocates the town centre site at Winchester Street for approximately 48 homes.

6.42 Whilst our town centres have the potential to make a positive contribution to meeting our residual housing needs, we have had to take a cautious approach to the quantum that could come from this as a specific source. Whilst the Winchester Street site (Policy SP4, RG5) is a specific allocation with a realist prospect of being delivered over the Plan period, we do not make a specific allowance for Policies SP4, RG2, RG3 and RG6 contributing towards meeting the residual housing need. For example, those sites at RG3 and RG6 could come forward with no housing element. Furthermore, it is not possible to quantify the take up of new homes above shops or wider sites within the Town Centre boundaries (at RG2). Any new homes that would come forward through these policies would therefore be treated as ‘windfall’ (for which the Plan already makes an allowance for).

6.43 That said, we continue to explore opportunities for new homes in our town centres. Plans to transform South Shields town centre were given a major boost in 2021 thanks to almost £6 million in government funding from the Future High Streets Fund. This will be used to investigate and assemble sites in multiple ownerships with a view to diversifying town centre uses including promoting them for new homes.

Contributions from Redundant, Vacant or Underutilised Employment and Commercial Land

6.44 The NPPF acknowledges the need to keep under review land available for development. It advises where there is no reasonable prospect of applications coming forward, sites should be reallocated to deliver uses that can help to address identified needs provided this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in the NPPF.

6.45 The building of new homes on vacant or derelict employment sites where there was no realistic prospect of them coming forward for employment purposes has significantly contributed to the previous high number of homes completed on brownfield sites within the Borough.

6.46 The employment land supply requirements are covered later within this Report. For the purposes of considering opportunities for new homes, the ELR critically assessed the suitability of our existing employment land portfolio to meet the Borough’s employment needs over the Plan period and has been used to inform the SHLAA. An outcome of this review is that some 312 new homes could come from this brownfield source and the following are now housing sites proposed through the Plan:

Policy	Site	Area (ha)	Approx. Capacity
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H32	Land at Ashworth Frazer Industrial Estate, Hebburn	2.83	100
RG40	Land at Cleadon Lane Industrial Estate	5.45	212

Table 7: Homes that could potentially be provided on Brownfield Land

6.47 Looking beyond the above sites, we are mindful of a range of considerations regarding the release of additional employment land to provide new homes. These include:

- A sustainable and holistic plan that ensures there is sufficient provision for job growth to support local, regional, and national productivity whilst also minimising the need for people to commute longer distances
- Balancing the competing needs for new homes with new jobs. As detailed above, the ELR (2019) has informed the emerging Plan regarding its objectively assessed employment land need. If additional land is removed from the employment land supply, shortfalls would have to be made up from alternative locations (which itself would likely necessitate Green Belt releases)
- Whether in whole or part, not all employment sites will be suitable to accommodate new homes. Juxtaposing new homes next to existing employment operations is not always conducive. Figure 5 shows that a high proportion of the available employment plots located along the River Tyne are where our traditional heavier industries (such as the Port of Tyne) operate. Reallocating such sites to new homes could result in poor residential amenity for future residents regarding their exposure to noise, dust, heavy goods traffic, etc. Equally, we would not wish to fetter the functions of those existing lawfully operating businesses
- Past heavy industrial operations on these available employment plots, particularly those near the River Tyne, are likely to have significant contamination issues that require considerable remediation (at cost which could render sites unviable) before they could be considered suitable for housing. To compound the matter, many of these available plots also fall within the Flood Zone 3a ('high risk') or 3b (functional floodplain).

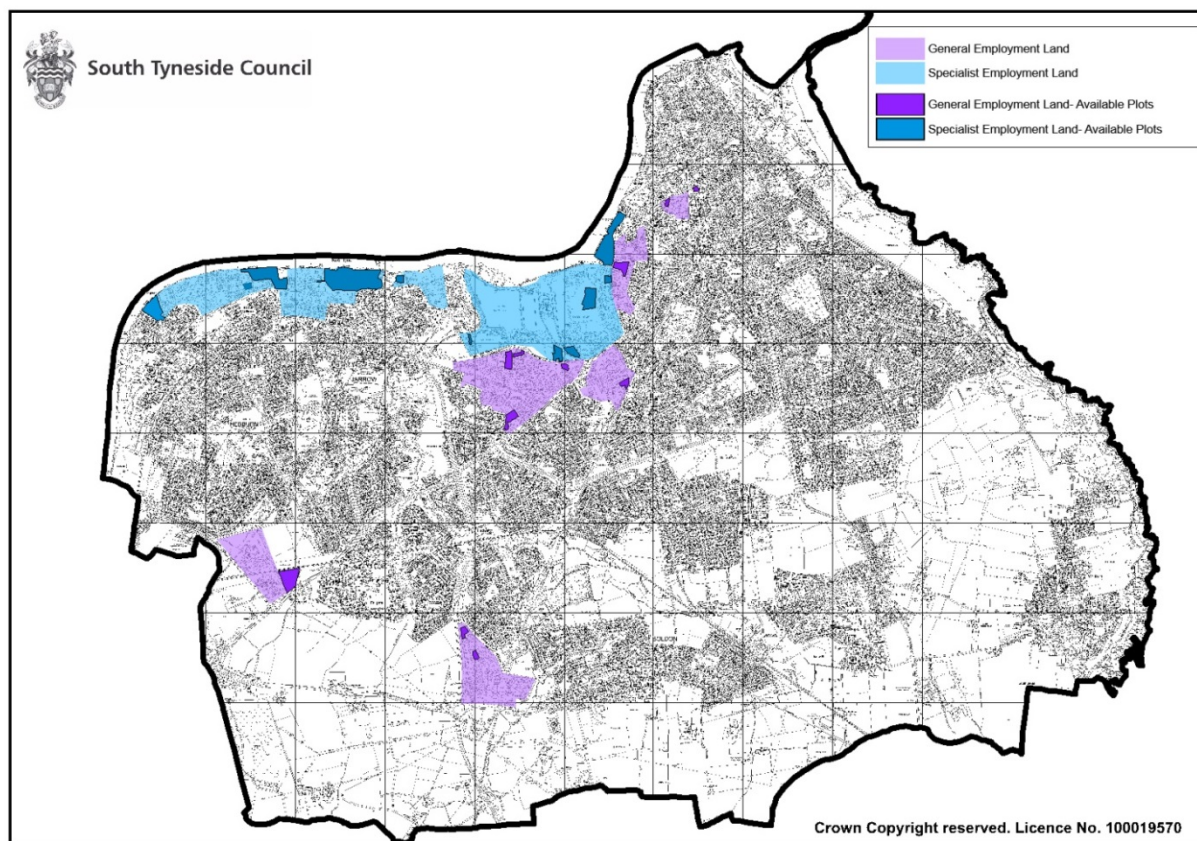


Figure 7: Current employment land allocations

6.48 We will continue to review our employment portfolio on a regular basis, and should appropriate opportunities arise, will favourably consider this as a source for new homes, where it is fully justified.

CONTRIBUTIONS FROM OTHER NON-GREEN BELT SOURCES – OPEN SPACES

6.49 Within the Borough's built up areas, the only other realistic non-Green Belt resource are our open spaces. These can cover a range of categories including parks and gardens, allotments, cemeteries, biodiversity assets and playing fields that extend across the Borough. Figure 6 shows those open spaces as defined within our Local Development Framework.

6.50 The NPPF is clear that existing open spaces, sports and recreational buildings and land (including playing fields) should not be built upon unless:

- An assessment has been undertaken which clearly shows the open space, buildings or land are surplus to requirements
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location
- The development is for alternative sports and recreational provision, the needs of which clearly outweigh the loss.

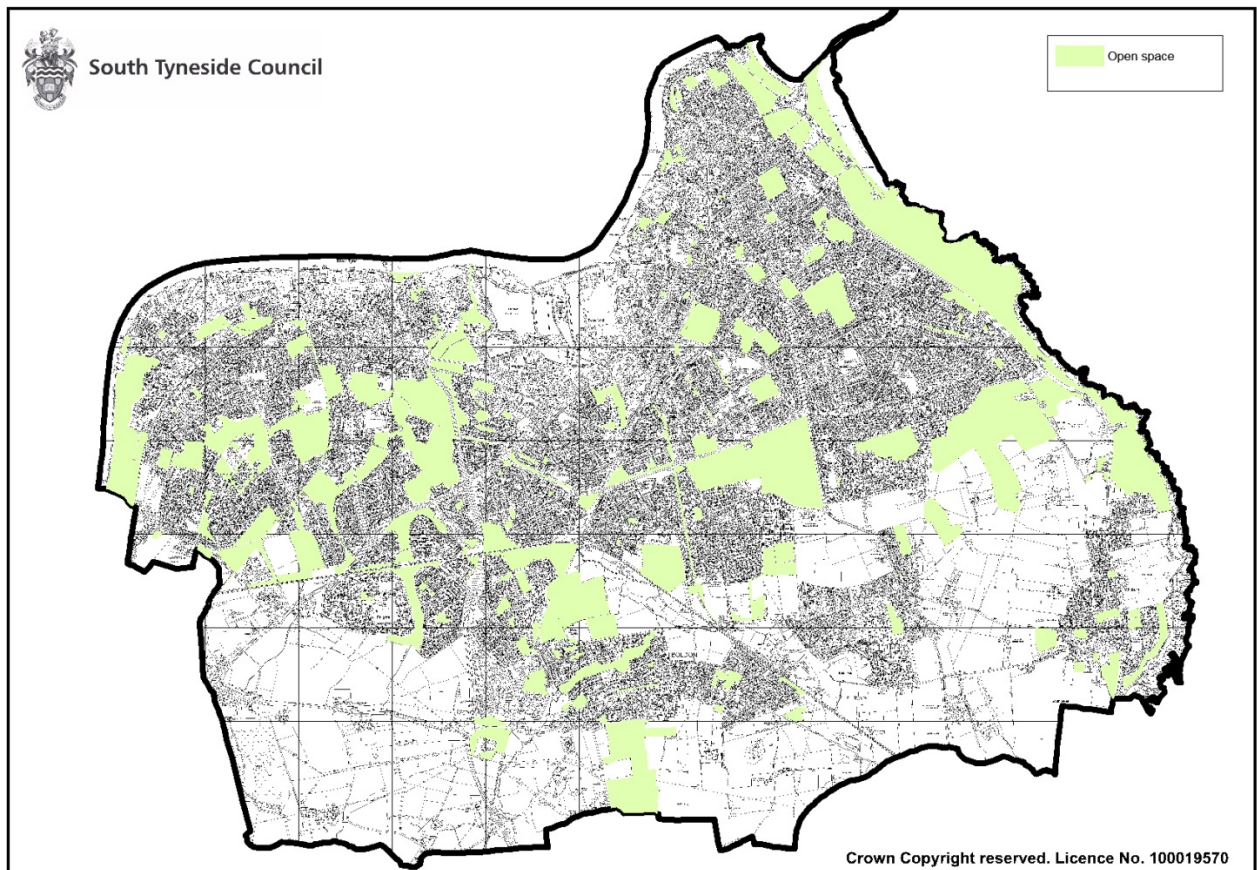


Figure 8: Open Spaces

6.51 Our updated Open Space Assessment (2019) and Playing Pitch Strategy (2019) informs the scale of provision against existing and future needs. The Playing Pitch Strategy does not identify any pitches that are surplus to requirements due to shortfalls both now and in the future. Therefore, sites to be released for new homes would need to satisfy the requirements of the NPPF regarding compensatory provision.

6.52 Whilst it would not be appropriate to lose a large number of open spaces and playing pitches to housing development, the SHLAA indicates a number of sites currently designated as open space or sites containing playing pitches (within the adopted Local Development Framework) could be suitable for housing.

6.53 Informed by the SHLAA, the Plan proposes that some 4 playing fields areas (delivering some 562 new homes) and 13 open spaces (delivering some 295 new homes) falling within the built up areas are allocated for new homes. Working with Sport England and the relevant sport governing bodies, we have prepared a Playing Pitch Mitigation Strategy to offset those losses.

CONTRIBUTIONS FROM OPTIMISING DEVELOPMENT DENSITIES

6.54 At paragraph 123, the NPPF requires that where there is an existing or anticipated shortage of land to meet housing needs, planning policies should avoid homes being built at low densities and development should make the optimal use of the potential of each site. Therefore, in advance of concluding that exceptional circumstances exist, minimum density standards should seek a

significant uplift in the average density of residential developments for town centres and other locations well served by public transport, unless there are strong reasons why this would be inappropriate.

6.55 Our Housing Density Report (2019) assessed some 39 sites (ranging in size, location, and house types) that were granted planning consent between 2009 and 2018. It found that when compared to the standard minimum density buffers contained within our adopted Core Strategy that sites, on average, achieved higher densities.

6.56 However, it will not always be appropriate to build at higher densities. Site specific concerns will need to be addressed, for example, to ensure new development is compatible to its site and surroundings and re-balances the housing stock to meet future needs. However, the Plan will continue to encourage the more effective and efficient use of land.

6.57 Specifically, this evidence has informed Policy 14 within the Plan and proposes an uplift to the adopted minimum densities as shown in Table 10.

Distance of Site from Main Shopping Centres or Metro Stations	Average Dwellings Per Hectare	
	Core Strategy	Publication Draft
< 400 metres	50	55
Between 401 – 800 metres	40	45
> 801 metres	30	35
< 400 metres of Jarrow and Inner Shields Character Area	N/A	60

Table 8: Adopted and proposed minimum average housing densities

6.58 It is estimated that with the proposed allocations within the emerging Plan, this could contribute some 200 additional homes to the supply from non-Green Belt sources.

ENSURING A FLEXIBLE AND RESPONSIVE SUPPLY OF HOUSING LAND

MAINTAINING A ROLLING 5 YEAR HOUSING LAND SUPPLY

6.59 The NPPF (at paragraph 67) is clear that plans at adoption should be able to identify a supply of “deliverable” sites for years 1 to 5 of the plan period and then “developable” sites or broad locations for growth, for years 6- to 15 of the plan. Post adoption, the NPPF goes onto require that authorities are able to demonstrate a rolling 5 year supply of deliverable sites with an appropriate buffer of 5% or 20% (based on previous housing completions).

6.60 The baseline position for the five year housing land requirement is 1,605 net additional dwellings over the period from 1 April 2022 to 31 March 2027. It is then necessary to apply adjustments to the baseline requirement to take account of any shortfall over the plan period to date and apply the appropriate buffer.

6.61 Paragraph 75 of the NPPF requires Councils to monitor the delivery of sites which have permission. The Housing Delivery Test (HDT), published annually by the Government, assesses the performance of the development industry in delivering sites across each local authority area, against the dwellings required by the adopted strategic policies for each area. Where delivery falls short, the NPPF specifies that Councils must either produce an action plan (below 95% of the

requirement, as set out in paragraph 74 of the NPPF); add a 20% buffer to the 5 year housing supply (below 85% of the requirement, as set out in footnote 41 of the Framework); or apply the presumption in favour of sustainable development under paragraph 11d of the Framework (below 75% of the requirement, as set out in footnote 7 of the Framework). Delivery in the Borough has fallen below 85% of the requirement. Therefore a 20% buffer is appropriate.

Delivery Test	Number of homes required			Total number	Number of homes delivered			Total number	Housing delivery	Consequence
	2018/19	2019/20	2020/21		2018/19	2019/20	2020/21			
2018/19	353	320	227	997	247	236	182	665	74%	Presumption in favour of sustainable development & 20% Buffer

Table 9: Housing Delivery Test

6.62 The Housing Delivery Test Results have not yet been published for the year 2021-2022, however the trend of under delivery in the Borough has continued with a net delivery of 207 in 2021/22 (table 19). This represents a total under delivery of 114 dwellings during the plan period. The Council will, therefore, need to include this shortfall when calculation the five year land supply.

6.63 Whilst we have explored the potential to promote the early delivery of sites from non-Green Belt sources, our latest 5 Year Housing Land Supply Report (2022) clearly demonstrates the Plan will not have a five year housing supply (i.e. 2.2 years) as shown in Table 10.

Requirement for 1st April 2022 to 31st March 2027 taking into account previous under supply and NPPF 20% buffer	2,063 dwellings
Average annual requirement for 1 st April 2022 to 31 st March 2027 (2,063/ 5)	412 dwellings
Projected delivery (net) 1 st April 2022 to 31 st March 2027	921 dwellings
Supply (921 / 412)	2.2 years

Table 10:5 Year Land Supply

6.64 Therefore, as part of bringing this Plan forward, we have been acutely aware of the need to deliver homes early given the shortfall against the requirement in the first five years. This has been a major consideration in the site selection process. Consequently, a number of those Green Belt sites proposed to be allocated for new homes are not subject to same level of constraints as some of our non-Green Belt sources. Therefore, an important part of the “exceptional circumstances” justification for this Plan is that we are reliant upon a proportion of these sites to come forward to deliver homes within the first five years after the adoption of the Plan. Therefore, once the Plan is adopted and Green Belt boundaries are amended, a rolling 5 year housing land supply should be established as some Green Belt sites are expected to complete new homes in years 3, 4 and 5.

MAINTAINING A RESPONSIVE PLAN TO 2039

6.65 The NPPF is clear that the 'standard method' determines the minimum number of homes that would be required and so it should not be regarded as a ceiling. Equally, a key element of the NPPF's presumption in favour sustainable development is the need for plans to be sufficiently flexible to adapt to rapid change. What this means for supply and delivery of new homes is that over the life of the Plan, it should remain effective and be responsive to any unexpected contingencies or changes in circumstances such as slippage on one or more allocated housing sites.

6.66 This Review clearly establishes that the strategic level exceptional circumstances exist to meet the Plan's residual housing need of 4,471. In response, the Plan is reliant on Green Belt site allocations to meet the shortfall of some 3,022 homes. In total, 13 Green Belt sites are proposed within the Publication draft that will collectively deliver some 3,062 homes.

6.67 The NPPF places a requirement on Local Authorities to not only identify sufficient sites to meet the housing need, but to also ensure that they are delivered. The Government has recently introduced penalties through the annual Housing Delivery Test. At its most extreme, failure to deliver sufficient homes can lead to a Local Authority not being able to use the Plan for making decisions on applications, leaving it to the market and national policy to determine where new development will be located. To help 'buffer' against this, Local Authorities are asked to plan for between 5% and 20% additional homes. At this early stage of plan preparation, the Council is proposing to factor in a 15% buffer so that it can ensure there is sufficient flexibility for site options to be explored, and to ensure that enough sites have been allocated

6.68 Providing this level of headroom above the requirement provides the Plan with flexibility and ensures that if there is a degree of slippage over the Plan period, then it does not ultimately leave the Plan vulnerable against delivering upon its needs. This ensures the plan is both positively prepared and effective (as required by the NPPF) and as such amounts to an exceptional circumstance that justifies amending the Green Belt.

THE SUPPLY OF LAND FOR JOBS FROM NON-GREEN BELT SOURCES

ASSESSING THE SUPPLY OF EMPLOYMENT LAND

6.69 In total, some 238 ha of land is currently occupied for 'General' employment uses and 187 ha is taken up for the specialist 'Port and River-Related' uses.

6.70 Our heavier industries are concentrated to the north of the Borough within a wide band of estates along the River Tyne corridor. The south west of the Borough has experienced more recent employment based developments (principally at Boldon and Monkton Business Parks) where demand remains strong as they are well served by the strategic highway network (i.e. the A19, A184 and A194).

6.71 The ELR undertook a review of the suitability of our existing employment land portfolio for both General and Port and River-Related needs to provide for our future employment needs. The ELR looked at:

- Vacant sites currently allocated for employment use
- Vacant sites formerly in employment use

- Vacant land in areas identified by the Council for mixed-use development that could include an employment component
- Expansion land held by businesses
- Employment premises that were at, or nearing, functional obsolescence
- Land and buildings in alternative use that may have potential for economic development.

6.72 In 2021, STC Officers updated the ELR assessment of the employment land portfolio. This has helped to inform the Plan in terms of the proposed employment allocations.

6.73 To confirm, the locational requirements for Port and River-Related employment needs are by their very nature more ‘fixed’ to locations along the River Tyne corridor where the need can be met from the existing portfolio of sites (shown in Figure 4). Whilst there is potentially an oversupply in the land made available, the ELR noted that Renewables and Low Carbon Vehicles are sectors of relevance to South Tyneside which have growth potential (Table 12). Hence, locations which meet their locational requirements will need to be protected. The former sector therefore requires space for riverside fabrication yards for the manufacture of components for offshore wind generation.

	Need / Supply (ha)
Recommended Requirement	4.16
Existing Available Supply	18.3
Level of Overprovision	+ 14.14

Table 11: Supply of land for Port and River-related Employment

6.74 By contrast, the ELR recommended that there is strong demand for General employment land on the southern edge of the Tyne and Wear conurbation in locations with easy access to the strategic highway network (i.e. South Tyneside adjoins Sunderland and Gateshead). However, given the constraints of the Green Belt, there is limited scope to meet this demand. The ELR recommended that a priority for us should therefore be to identify new allocations on the southern edge of the conurbation that can be delivered over the Plan period.

6.75 Whilst the General employment sites shown in Figure 4 are to be retained, a review of the portfolio of employment land for General employment needs concludes there is a shortfall of some 8.63 ha (Table 14).

6.76	6.77 Need / Supply (ha)
6.78 Recommended Requirement	6.79 19.66
6.80 Existing available land supply	6.81 11.03
6.82 Level of Under Provision	- 8.63

Table 12: General Employment Needs

6.83 When matching the land requirements to meet the needs for general employment against those new homes, it is clear that these uses are in direct competition for what is a finite supply of unconstrained suitable land that lies outwith the Green Belt.

6.84 Thus far, this Review confirms there are significant land use limitations that affects the ability for the Plan to meet the need for new homes and jobs from non-Green Belt sources. These same limitations are effectively transferable to understanding the potential supply opportunities for meeting the General employment needs.

CONTRIBUTIONS FROM INTENSIFICATION AND RE-USE OF EXISTING EMPLOYMENT AREAS

6.85 In reaching the conclusion that there is a shortfall in the supply of land to meet employment needs, the ELR considered opportunities to intensify the employment operations within the existing employment land portfolio. However, a key limiting factor is development viability which is dependent upon a range of factors including:

- Availability and cost of finance
- Abnormal costs of site preparation
- Abnormal infrastructure costs
- Void periods
- Construction costs
- Rental levels
- Yields
- Ability to secure pre-lets or forward sales
- Availability of gap funding.

6.86 The ELR noted that in general terms, South Tyneside is relatively weak in terms of development viability for both offices and wider general employment uses. Rental yields have been suppressed since the economic downturn whilst construction costs have risen. Hence, speculative private sector led schemes largely require public sector financing and support for site preparation works to provide serviced and remediated plots.

6.87 The ELR confirmed that there has been no effective replacement body since the abolition of the 'regional development agencies' to provide a supply of serviced development land to enable economic growth. Additionally, given austerity measures the ability for the local authorities to intervene has and will continue to be increasingly limited.

6.88 Accordingly, it has been concluded that as a potential source, intensifying operations within existing employment areas would not necessarily yield any significant opportunity to add to our employment land portfolio.

6.89 The Duty to Cooperate legally obligates plan making authorities to work constructively and on an ongoing basis with other authorities to identify and, where necessary, address strategic cross boundary issues.

6.90 As first detailed in our Duty to Cooperate Statement (2019) and re-affirmed within the updated Duty to Cooperate Statement (2022) that accompanies this Plan, there has been and continues to be an ongoing dialogue with our adjoining authorities. This includes matters relating to the overall quantum of growth proposed through the respective local plans and the ability for each authority to be able to meet its own needs.

6.91 In January 2021 as part of plan preparation, we formally wrote to Gateshead, Sunderland, and North Tyneside Councils to ascertain whether they would be able to meet some of our housing growth needs. The letters noted that in the past South Tyneside Council had formally enquired as to whether each respective Council would be able to meet some of South Tyneside's housing needs and that each respective Council had formally responded stating that they would not be able to accept some of the housing growth identified in the Plan. Sunderland formally responded in January 2021 and Gateshead and North Tyneside formally responded in February 2021. Each response stated that they would not be to accommodate any of South Tyneside's housing needs.

CAN THE PLAN DELIVER SUSTAINABLE DEVELOPMENT WITHOUT USING THE GREEN BELT?

6.92 The purpose of the planning system is to contribute towards sustainable development and the NPPF acknowledges there are three dimensions to it: economic, social, and environmental. It states that these are mutually interdependent and that economic, social, and environmental gains should be sought jointly and simultaneously in a balanced manner.

6.93 This Review has so far clearly demonstrated that to meet the Plan's needs it requires encroaching into the Green Belt. In reaching that conclusion, it however assumes that the Plan's proposals for both the scale and distribution of housing and job growth represents sustainable development. By virtue of this, it would assume that failing to meet or exceeding those requirements or proposing an alternative rationale by which growth could be delivered results in unsustainable development. This may not be the case in all circumstances. The Sustainability Appraisal (SA) is the key mechanism by which the plans are tested to ensure their policies promote sustainable development and whether there are other reasonable alternatives that should be considered. The SA is an iterative process and is reported on at each stage of the plan's preparation.

DETERMINGING A SUSTAINABLE GROWTH STRATEGY

6.94 With regards to scale of housing required, the emerging Plan follows the standard method (as advocated by the NPPF) to derive a need of 7,000 homes over the full Plan period. It could be contended that given its consistency with the NPPF, that it automatically represents an appropriate sustainable strategy for growth.

6.95 That said, the SA (2019) concluded there were no exceptional circumstances that necessitated applying a reasonable alternative to the standard method and found there would be both positive and negative effects against the Sustainability Objectives. As would be expected, the

preferred scale of growth recorded positive affects against those objectives associated with meeting housing needs, delivering a range of affordable homes and accessible high quality homes alongside those objectives reflecting the economic and social benefits which could be supported by this growth option. By comparison, negative effects were recorded against the environmental objectives and noted that site specific mitigation would be required to offset and minimise those effects (which is discussed below).

6.96 With regards to jobs, given the key primary shortfall arises from General employment needs, the SA (2019) concluded that of the three scenarios, the “Policy-on Labour Demand” option proves to be the most sustainable option given that this could provide for a significant amount of land for economic development which would have a very positive effect for the Borough, though it acknowledged there would be potential impacts for the Green Belt and environment that would necessitate mitigation.

DETERMINING A SUSTAINABLE SPATIAL DISTRIBUTION STRATEGY

6.97 Given the Sustainability Appraisal (2019) concluded the sustainability merits of the appropriate levels of growth for homes and jobs, it then assessed which is an appropriate sustainable strategy to distribute the level of growth. Table 13 identifies the reasonable options for delivering housing and economic growth considered within the Sustainability Appraisal (2019). The table also includes the reasons for selection and rejection:

Spatial Strategy for Homes			Spatial Strategy for Jobs		
Option 1 - An Urban Area Only (i.e. no Green Belt releases)	Rejected	Focusing development in our urban areas only cannot sustainably meet the OAN for the Plan and could result in unmanaged development pressure on the Green Belt.	Option 1 – Employment Land in Urban Areas Only (i.e. no Green Belt releases)	Rejected	Focusing employment uses in the Urban Area cannot meet the employment needs of the borough over the plan period and could negatively affect economic development and growth.
Option 2 – Neighbouring Authorities Taking Our Unmet Need (note this was discounted early given the conclusions previously outlined in this Review)					
Option 3 - Sustainable Urban Area Growth and a Large-Scale Green Belt Release (this considered four broad locations that would be sufficient to meet the scale of undersupply outlined)	Rejected	Large scale Green Belt release would have significant negative impact on the Green Belt and would not help to deliver the wider sustainability aspects of the Plan.	Option 3 – Strategic Employment Green Belt Release	Preferred Option	Sustainable Green Belt release could meet the borough’s employment needs and provide attractive employment sites which could promote growth.

previously within the Review);					
Option 4 - Sustainable Urban Area Growth and a Multiple Dispersed Green Belt Releases (this included an assessment of the sustainability merits of the three villages Cleadon, Whitburn and East and West Boldon. This concluded that they were physically well related to the main urban areas and based on a range of services, facilities, and proximities to other centres they each represented realistic spatial options to accommodate future growth).	Preferred Option	Distributed growth through urban areas and sustainable Green Belt release could meet housing need providing housing throughout the Borough and helping to achieve the sustainability objectives of the plan.	n/a		

Table 13: Spatial Options Considered for the Distribution of Housing and Employment Growth (2019)

6.98 Since the 2019 draft Local Plan was produced and consulted upon, several considerations have led the Council to re-evaluate the strategic spatial approach of the Plan and the delivery of housing. These have included:

- The need to accommodate existing under delivery of housing within the Local Plan housing numbers.
- Consideration of an increased housing delivery buffer, due to uncertainty over the delivery of proposed housing sites.
- Representations were made during the 2019 public consultation which suggested that the SA did not consider all available spatial options and failed to consider a spatial option which included a large-scale Green Belt release and other dispersed Green Belt release.
- Amendments made to the SA framework to reflect changes to SA objectives.

6.99 Considering the above, the Sustainability Appraisal (2022) has appraised four spatial options for housing. Options 1, 3, and 4 are broadly based on options appraised in the 2019 version and Option 5 is a new option:

- Option 1: Urban Area Only.
- Option 3: Sustainable Urban Area Growth and Large-scale Green Belt (Single land) release.
- Option 4: Sustainable Urban Area growth and increased number of Green Belt releases of varying sizes.
- Option 5: Sustainable Urban Area Growth + large scale Green Belt (Single land) release + additional Green Belt site releases of varying sizes.

Spatial Option	Outcome	Reasons for inclusion/rejection
Option 1: Urban Area Only	Rejected	Inability to meet housing need within urban area and significant pressure on existing infrastructure and facilities.
Option 3: Sustainable Urban Area Growth and Large-scale Green Belt (Single land) release	Rejected	Delay of housing delivery as part of the Large-scale Green Belt release could restrict the availability of housing supply and exacerbate development pressure for housing land in the Urban Area and possibly other Green Belt sites.
Option 4: Sustainable Urban Area growth & increased number of Green Belt releases of varying sizes.	Rejected	Option identified as resulting in the most negative effects. This reflects the negative environmental effects which could occur from a large amount of dispersed Green Belt development close to sensitive ecological, heritage and landscape designations.
Option 5: Sustainable Urban Area Growth + large scale Green Belt (Single land) release + additional Green Belt site releases of varying sizes.	Preferred Option	Opportunities to deliver housing across the Borough within the Plan period. Spatial distribution of development could support existing centres and services whilst providing opportunities for new infrastructure. Mitigation required to address potential negative effects associated with dispersed Green Belt release.

Table 14: Spatial Options

6.100 However, in reaching this position, it does not automatically follow that all sites within the Green Belt represent sustainable development. Some sites are particularly valuable in terms of their contributions to *inter alia* wildlife and landscape whilst others are not well located in terms of flood risk or in terms of their location to jobs and services. Therefore, sustainability must also be considered at the site level to ensure where it is necessary to impinge on the Green Belt that the resulting development will itself be capable of being considered as sustainable compared to other reasonable alternatives.

6.101 The Sustainability Appraisal (2022) has therefore appraised all known reasonable options for employment and housing sites^[1] and concludes that those sites proposed within the Plan are considered to represent sustainable development options. However, it acknowledges there are some sites where the potential impacts were assessed as being more harmful. In such cases, the overall conclusion of the Sustainability Appraisal (2022) is that mitigation measures included in the allocation policies would serve to overcome those negative effects. In other examples, sites where flood risk could not be mitigated adequately or where there would be unmitigated harm to designated biodiversity assets were not considered suitable through the SA.

6.102 In addition to the SA, all sites have been subject to other appraisals such as through our SHLAA Heritage Impact Assessment (2022) and Strategic Flood Risk Assessment (2021). As part of the site selection process, it has been a key to ensure the most suitable sites, from the complete suite of known sites available, are selected to demonstrate that sustainable development will be delivered.

6.103 A separate Site Selection Topic Paper (2022) has been prepared which draws together all the different streams of evidence in relation to each site. This enabled us to take an evidence-led approach to identifying the most sustainable sites for through the Plan.

WHETHER THERE IS SCOPE TO REDUCE OR AMELIORATE THE LEVEL OF HARM TO THE LOWEST REASONABLY PRACTICAL EXTENT.

6.104 This principle of amelioration (set down by the Calverton Judgement) is now effectively reflected within the NPPF (para 140) and the PPG. This requires that where it has been concluded that it is necessary to release Green Belt for development, plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

6.105 This element of testing whether exceptional circumstances exist follows on logically from the previous test and again needs to be considered on a site by site basis. This has been undertaken in detail through the Stage Two and Stage Three Green Belt Reviews.

6.106 We are committed to ensuring a sustainable approach to development is adhered to, within the Plan period and beyond. It is concluded that the release of Green Belt sites would not damage the overall purposes of the Green Belt within these locations and appropriate mitigation measures would help to reduce any impacts further.

6.107 Some appropriate measures for amelioration have already been assessed within this Stage One Review with respect to assessing the supply of land from non-Green Belt sources. These include optimising development on public sector land holdings and maximising opportunities on vacant and underutilised sites. We have also considered the densities that can be achieved from all our potential supply sources, given these will require the release of less land from the Green Belt to deliver the same number of homes. Densities will, however, need to be considered on a site by site basis as there will be some Green Belt locations where higher densities will increase

1.1 _____

^[1] Sites that were considered through the Strategic Land Review (2016 and 2018) and the Strategic Housing Land Availability Assessment (2019).

harm to the Green Belt by emphasising more of the visual prominence of development on its edge, rather than reducing harm by blending it in.

6.108 However, there are several overarching measures that can be taken to ensure that harm to the Green Belt is minimised through the overarching plan making process. Green Belt allocated will be expected to mitigate for the loss of Green Belt land by maintaining any physical boundaries that provide visual and functional separation to the Green Belt. Where appropriate, the Plan will contain requirements for compensatory improvements to off-set the effect of removing the land from the Green Belt.

6.109 Consideration would need to be given to the creation of new public open spaces at the edge of developments or between developments to maintain a sense of containment and separation and bring land which may be at risk of future encroachment into a practical use that benefits existing and new residents. This not only mitigates the effects of the harm to the Green Belt, but also responds positively to the NPPF which promotes the positive use of land in the Green Belt for recreation and nature conservation purposes.

6.110 On a site by site basis, the design and layout of the development and the use of landscaping will play an important part in mitigating harm to the Green Belt. Design and layout can ensure that development integrates into both the nearby built up area, and the rural environment it would form the new boundary to and ensure that visually prominent parts of the site are either avoided, or else developed in a more sensitive way. Landscaping meanwhile can screen development in both nearby and long distance views.

6.111 Edge of settlement sites would be expected to respond in scale, layout, materials, and landscaping to the local character of both the settlement and their setting, reflecting the identity of the locality to ensure they endure beyond the Plan period.

6.112 Out with the specific housing allocation policy set out at Policy SP4 and Appendix 3: Housing Allocations Requirements which sets out a suite of site specific mitigation/compensatory requirements to those Green Belt sites proposed, the Plan will also contain several policies that would seek to provide compensatory improvements to the environmental quality including provision for:

- Measurable net gains for biodiversity and laying down specific requirements for proposals affecting the hierarchy of our biodiversity assets (Policy 35)
- Green infrastructure that would require new development to contribute towards the delivery of a high quality multi-functional green infrastructure network. This will require proposals to provide on or off-site Green Infrastructure assets which extend across the Borough including the built up areas and Green Belt (Policy SP22)
- Protecting, maintaining and where possible enhancing open spaces (several which are located within the Green Belt) in the to encourage improved quality and accessibility (Policy 37)
- Maintaining and enhancing the landscape character typologies by ensuring that new development creates sustainable and attractive landscapes through *inter alia* the creation and enhancement of trees and woodland planting and enhancing connectivity between the urban areas and countryside (Policy 47)

- Specific design and landscape principles that reflect the different landscape typologies identified across the Borough which includes provisions for enhancing the connectivity between the main urban areas and villages through the Green Infrastructure Network and supporting the retention and enhancement of trees through new woodland planting and hedgerow restoration (Policy S2)
- Hard and soft landscaping, including the planting of trees, shrubs earthworks and boundary treatments, responding to natural features and incorporating outdoor amenity spaces. The starting position is that existing trees are retained on site but sets down the requirements for their replacement (Policies 36 and 47).

7. CONCLUSIONS

7.1 It is clear in relation to meeting the development needs for new homes and jobs, that exceptional circumstances existed which justify the release of land from the current extent of the Green Belt. Through this Update, we have reappraised those opportunities from non-Green Belt sources and drawn from new and updated evidence. Again, the evidence clearly demonstrates that the strategic position remains unchanged as we now prepare the next iteration of the Plan.

7.2 In summary, and despite a thorough analysis as required by the NPPF, there remains an acute need for land to meet the needs for new homes and jobs. This is affected by the inherent constraints on the supply from all reasonable non-Green Belt sources to meet those minimum requirements in both the short term and long term. For housing needs in particular, despite those non-Green Belt measures that have been explored, it is clear that when applied alone or in combination, they would still fall a long way short of making up for the scale of under provision against those identified development needs. When assessed against the Calverton Judgement, **Tests 1 and 2 are met.**

7.3 The inability to meet our needs would, in turn, affect the ability of the Plan to deliver sustainable development that supports economic growth and social outcomes which has been demonstrated through the Sustainability Appraisal process. Furthermore, development which includes land within the current extent of the Green Belt has been assessed in terms of sustainability through the Sustainability Appraisal process and has been determined to represent a more sustainable approach to the growth of the Borough. **Test 3 of the Calverton Judgement is considered to have been met.**

7.4 There will be harm to the Green Belt arising from achieving sustainable development, however it would be limited to a 7% reduction in our Green Belt's total coverage. There are clear opportunities to minimise the harm at a site specific level through the careful selection of sites together with the appropriate mitigation measures such as appropriate densities, the provision of open space at the edge of settlements and use of landscaping and buffers. **Tests 4 and 5 of the Calverton Judgement can therefore be considered to have been met.**